

REMARKS

This responds to the Office Action mailed on June 3, 2005, and the references cited therewith.

Claims 1-10, 18, and 22 are amended, no claims are canceled, and no claims are added; as a result, claims 1-24 are now pending in this application.

§101 Rejection of the Claims

Claims 1-9 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-9 each recite a “computer-implemented method.” For at least this reason, Applicant submits that claims 1-9 are directed to statutory subject matter.

§102 Rejection of the Claims

Claims 1-24 were rejected under 35 U.S.C. § 102(b) for anticipation by Sacks (U.S. Publication No. 2002/0016765; hereinafter referred to as Sacks).

Discussion of Claim 1

Claim 1 recites a “third party shopping cart application being *external to an online payment service*.” Emphasis added. Applicant submits that Sacks does not disclose this claim feature. Instead, Sacks teaches a third-party payment processor that includes a third-party shopping cart.

In Paragraph 0016, Sacks indicates that its “third-party payment processor” is later referred to as a “payment processor.” Sacks states, “the payment processor may provide a third-party shopping cart to track the buyer’s purchases.” Sacks at Paragraph 0028. As a result, the third-party shopping cart is a shopping cart that is part of the third-party payment processor. Thus Sacks’ third-party shopping cart cannot be the claimed “third-party shopping cart being *external to the online payment service*.” For at least these reasons, Applicant submits that Sacks does not teach or suggest each and every element of claim 1.

Discussion of Claims 10, 18 and 22

Claim 10 recites “the third party shopping cart application external to an online payment service.” Claim 18 recites “the third-party shopping cart application external to the online payment service.” Claim 22 recites “the third party shopping cart application external to an online payment service.” For at least the reasons noted in the discussion of claim 1, Applicant submits that Sacks does not teach or suggest each and every element of claims 10, 18, or 22.

Discussion of Claims 2-9, 11-17, 19-21, 23, and 24

Claims 2-9, 11-17, 19-21, 23, and 24 each depend, directly or indirectly, on one of claims 1, 10, 18 or 22. For at least the reasons noted in the discussions of claims 1, 10, 18 and 22, Applicant submits that Sacks does not teach or suggest each and every element of claims 2-9, 11-17, 19-21, 23, and 24.

Reservation of Rights

Arguments presented to distinguish such documents should not be construed as admissions that the documents are prior art. Applicant also reserves the right to pursue canceled and originally filed claims in a continuation application. Furthermore, Applicant does not acquiesce to any of the Examiner’s assertions about the claims or the cited documents and reserves the right to argue these assertions in the future.



AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 10/791,156

Filing Date: March 1, 2004

Title: INTEGRATING THIRD PARTY SHOPPING CART APPLICATIONS WITH AN ONLINE PAYMENT SERVICE

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 281-213-8980 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By her Representatives,

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Date 9/6/2005

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6 day of September, 2005.

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Name

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